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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,011

02/27/2004

Stephen Lozowski

2003P03879 US01

6870

7590 11/08/2007
Alexander J. Burke
Intellectual Property Department
5th Floor
170 Wood Avenue South
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EXAMINER

EBERSMAN, BRUCE I

ART UNIT

PAPER NUMBER

4172

MAIL DATE

DELIVERY MODE

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,011

Applicant(s)

LOZOWSKI ET AL.

Examiner

Bruce I. Ebersman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/27/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The following is a non-final, first office action on the merits. Review of the claims necessitated the rejections and objections below.

CLAIM REJECTIONS- 35 USC 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 rejected under 35 USC 103(a) as being unpatentable over US patent 5235507 to Sackler in view of US Patent Application Publication 20030018496 to Hambright.

As per claims 1, 11, 14, 15 Sackler discloses an acquisition processor for acquiring a record identifying a portion of a charge related to a service provided to a particular patient by a health provider organization; (Sackler Col. 1, line 50), identifying a party financially responsible for said charge portion (verifying the insurance status of the claimant (Sackler col. 1, line 50), and for identifying an account type associated with said charge portion, (calculating payment of the claimant and debiting claimant account, Sackler col. 1 line 50), determining whether an account of said type exists for said identified financially responsible party; and (Sackler Col. 1, line 50). Sackler does not

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specifically disclose using pre-determined rules, creating new accounts and a record processor for associating acquired records with accounts of said type.

Hambright teaches; using predetermined rules; (program modifiable to accommodate charge amounts, (Hambright, 0005), initiating creation of an account of said type in response to a

determination an account of said type does not exist; and (Hambright, 0038)

a record processor for associating said acquired record with said account of said type

(Hambright, 0024) for the purpose of providing medical billing in customer focused

way. It would therefore have been obvious to one of ordinary skill in the art at the time of

the invention to combine the medical reimbursement program system of Sackler with

the medical interface and conglomeration program of Hambright for the purpose of

allowing medical records to organized for easy billing to guarantor's and insurance

companies.

As per claim 2, Sackler (col. 1, line 5) discloses business office functions, which are essentially the management of the billing and collection for a health provider

organization. Sackler does not specifically disclose a guarantor though the claimant role

is essentially the same. Hambright (col. 6, 0041) teaches guarantors' for the purpose of

paying remainder charges for an insured. It would therefore have been obvious to one

of ordinary skill in the art at the time of the invention to combine the business office type

disclosure of Sackler with the guarantor teachings of Hambright for the purpose of

billing a guaranteeing entity any remainder charges, ie co-payments.

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As per claim 3, Sackler (col. 1, line 50) discloses that the calculation of payments required by the claimant which is the charge portion, inherently un-reimbursable by the insurance company.

As per claim 4, Sackler does not specifically disclose the accumulation of records of charge portions related to services provided to said particular patient in a record representing said account of said type to determine financial liability of said guarantor payable to said business office. Hambright (p.4, 0033) teaches calculation of total guaranteed reimbursement amount of the guarantor for the purpose of allocating like charges to a guarantor's name. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical insurance claims processing disclosure of Sackler with the guarantor aggregation teachings of Hambright for the purpose of simplified billing.

As per claim 5, Sackler (Col 1, line 50) discloses charge records but, does not disclose multiple charges from a plurality of patients being aggregated to determine a total guarantor liability to said business office. Hambright (p.1, 0014) teaches aggregation of patient records, mother/baby etc and guarantors for the purpose of aggregating records such that clinical needs don't have to conflict with billing needs. Hambright does not specifically teach the use of said aggregated records for billing to the same guarantor, however it would be obvious that if clinical needs desired aggregation of records by

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encounter or across multiple patients, then billing needs might likewise require the same aggregation, if only for billing simplicity. One of ordinary skill in the art would be motivated to do so in order to send one guarantor one bill with all of his/her related charges versus sending multiples. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the billing system of Sackler with the flexible billing, records system of Hambright for the purpose of providing a single guarantor report covering multiple patients who are the responsibility of said guarantor.

As per claim 6, Sackler (col. 1, line 50) discloses payment by claimant and means of debiting the account of said claimant. Sackler does not specifically disclose partial payments. However, it would be obvious to include capabilities to accept partial payments in the disclosure of Sackler in the event that a customer (guarantor) does not have the entire co-pay. One of ordinary skill in the art would be motivated to do so in order to facilitate partial payment when the guarantor/customer cannot pay the full amount.

As per claim 7, Sackler (Col. 2, line 12) discloses that a database includes the health provider organization, amount of claim etc.

As per claim 8, Sackler does not specifically disclose predetermined rules and date ranges. Hambright teaches predetermined rules (abstract) and intervals (p3. 0024) for

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the purpose of aggregating services in a date interval range. Examiner notes that interval tracking on computers inherently encompasses date range tracking. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical record processing program of Sackler with the rules and time interval disclosure of Hambright for the purpose of providing a medical tracking system which can aggregate like records during a specific interval of time for grouping according to predetermined rules.

As per claim 9, Sackler discloses charges portion to the claimant, "calculating the payment required by the claimant, if any" (Col. 1, line 55).

As per claim 10, Sackler discloses a program checking to find the record or account exists by checking financial party id information. (col. 2, lines 10-15) Examiner notes that checking for an existing record before creating a new one would be inherently part of any database system.

As per claims 12, 13, Sackler does not specifically disclose groupings. Hambright (col. 2, 0016) teaches grouping of records in response to either rules or manual commands. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical billing system disclosures of Sackler with the grouping (associating) of records taught by Hambright to group records in various efficient manners according to the system operator's needs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce I. Ebersman whose telephone number is (571) 270 3442. The examiner can normally be reached on 630am-5pm, with every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NAEEM HAQ
PRIMARY EXAMINER

Bruce I Ebersman
Examiner
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